

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

DA'SHAWN RUSSELL,

Plaintiff,

v.

YOUNG, Correctional officer of the NYS DOCCS
at Collins Correctional, et al.,

Defendants.

AMENDED SCHEDULING ORDER

18-CV-6209CJS

Further to a status conference having been held with this Court on November 19, 2019, and counsel for the parties having requested an extension of the factual discovery and dispositive motions deadlines contained in this Court's April 30, 2019 Scheduling Order (Docket # 28), and good cause having been shown, it is

ORDERED that:

1. All factual discovery in this case, including depositions, shall be completed on or before **March 2, 2020**. All motions to compel discovery shall be filed at least thirty (30) days prior to the factual discovery cutoff.

2. Dispositive motions, if any, shall be filed no later than **May 1, 2020**.

Unless a consent to proceed before this Court has been filed, such motions shall be made returnable before Judge Siragusa.

3. All other deadlines contained in this Court's April 30, 2019 Scheduling Order (Docket # 28) shall remain in full force and effect.

4. A trial date status conference pursuant to Fed. R. Civ. P. Rule 16(e) and Local Rule 16 will be held, if necessary, at a date and time to be determined by the trial judge after determination of dispositive motions. If no dispositive motions are filed, counsel shall **immediately** contact the trial judge so that a trial date status conference can be scheduled.

At least seven (7) days prior to the trial date status conference, the parties shall file a joint case status report setting forth the information described below. If the parties disagree as to the information to be provided, the report must set forth their different responses. The joint status report shall contain:

- (1) Nature of the Case: Set forth a brief description of the action, identifying the parties, all counsel of record, the relief requested, any affirmative defenses and any relationship the case may have to other pending actions.
- (2) Motion Practice: Are any motions, dispositive or non-dispositive, pending? If so, briefly describe the motion. Explain if additional motion practice is necessary before the matter is ready to be tried.
- (3) Settlement: Describe the status of settlement negotiations. If the parties believe a court supervised settlement/mediation conference would be of assistance in resolving the case or narrowing disputed issues, please state.
- (4) Trial: State whether the case is ready for trial. If not, explain why. Set forth an estimate of how long the trial will take and whether the case is jury or non-jury.

No extension of the above cutoff dates will be granted except upon written application, made prior to the cutoff date, showing good cause for the extension. Application for extensions should be made to the Magistrate Judge. Joint or unopposed requests to extend the deadlines set forth in this order need not be made by formal motion, but rather may be sought in a letter to the court. Letter requests must detail good cause for the extension and propose new deadlines.

IT IS SO ORDERED.

Marian W Payson

MARIAN W. PAYSON
United States Magistrate Judge

Dated: Rochester, New York
November 19, 2019